

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 2, 4, 5 and 7 have been amended. Claims 1-8 are pending and under consideration. No new matter is presented herein.

INFORMATION DISCLOSURE STATEMENT:

The outstanding Office Action has indicated that the Information Disclosure Statement filed December 19, 2001, has not been considered since copies of the references cited therein were not supplied therewith. However, as indicated under 37 CFR §1.98(d), since the present application claims benefit of the filing of the parent application under 35 USC §120, copies of the references cited in the Information Disclosure Statement are not required, as they have previously been filed in the parent application.

Regardless, copies of the references cited in the Information Disclosure Statement can be provided upon request with a clean copy of the PTO-1449 Form.

OBJECTION TO THE DRAWINGS:

The drawings stand objected to for improper labeling. In accordance with the Examiner's helpful comments, FIGS. 1-2, 3A-3B and 10-13 have been amended to recite "Prior Art."

Therefore, it is respectfully requested that this objection be withdrawn.

REJECTIONS UNDER 35 USC §112:

Claim 2 stands rejected under 35 USC §112, first paragraph, "because the specification, while being enabling for the DVD-R version 1.0 and 1.9 as found on page 3-section (0012), does not reasonably provide enablement for any other version, or DVD-RW version."

However, applicants respectfully at least point to the present specification on page 14, paragraph [0063], and FIG. 10, where the specification details the structure of a DVD-R and DVD-RW disc. The present specification, thereafter, specifically details how the present invention is implemented in DVD-RW discs. See the present specification on pages 14-17.

Thus, the present specification is enabling for the DVD-RW feature, as claimed in claim 2.

Claims 1-8 stand rejected under 35 USC §112, second paragraph, as dependent claim 4 includes a process feature. Although it is respectfully submitted that claim 4 is clear as to setting forth that the claimed disc is in a write protection state when write protection information from separate locations match, claim 4 has been amended to reword the claim to set forth that when the separately located write protection information matches, the disc indicates that the disc is in a write protection state. This amendment to claim 4 does not change the scope or breadth of the claimed features. Similarly, it is noted that amendments to claims 2 and 7 merely replace "disc" with "recording medium" and do not change the scope or breadth thereof.

Therefore, for at least the above, it is respectfully requested that these rejections be withdrawn.

REJECTION UNDER 35 USC §102/103:

Claims 1, 3 and 8 stand rejected under 35 USC §102(b), or in the alternative under §103(a), as being anticipated or obvious over McFerrin et al., U.S. Patent No. 5,142,515. This rejection is respectfully traversed.

By way of review and as an example, independent claim 1 sets forth a recordable and/or rewriteable recording medium to record data, including a lead-in area, a lead-out area, and a user data area. The recording medium stores write protection information in an RMD (Recording Management Data) field of RMA (Recording Management Area) area to protect the data recorded on the recording medium from unwanted overwriting or erasing.

The present application defines the claimed RMA as "including general information relating to recording, i.e., information about the recording mode of a disc, recording state, optimal power control and border zone." See the present specification on page 14, paragraph [0063]. In addition, "FIG. 13 [of the present application] shows the content of an RMD (Recording Management Data) field of the RMA according to the DVD-R and DVD-RW specifications. The RMA comprises an RMA Lead-in area including a system reserved field (contents:00h) and a unique ID field, and RMD fields." See the present specification on page 14, paragraph [0066].

Thus, the present specification sets forth specific definitions of the claimed RMD field as pertaining to DVD-R and/or DVD-RW specifications, and specifically defines the structure of the claimed RMA.

Further, the present specification, on page 1, paragraph [0003], specifically details that there are differences between both DVD-R and DVD-RW standards and WORM (Write Once Read Many) standards, with the DVD-RW standard corresponding to a standard for a rewriteable disc.

The outstanding Office Action sets forth that McFerrin et al. discloses all the claimed features, including the claimed Recording Management Area, indicating that a "controller management area" in McFerrin et al. is being interpreted as reading on the claimed RMA.

However, after a review of McFerrin et al., a "controller management area" cannot be found. McFerrin et al. does disclose a controller record CR, which includes address information for slipping and spare area replacement, though it does not appear that this controller record CR would appear to be related to the claimed write protection information, since independent claim 1 requires the write protection information be stored in an RMD field of the RMA.

McFerrin et al. does discuss that when recording data to the WORM disc, "a block write start flag is written in the appropriate bytes of the first sector to be written," to indicate that the corresponding sector has already been written. When performing additional writing of data to a particular sector of the disc, McFerrin et al. checks whether the block write start flag of that sector indicates whether the sector has been already written to, to prevent overwriting of previously written data.

Thus, McFerrin et al. would only appear to set forth a WORM disc having a "block write start flag" written in an appropriate byte of a sector to be written, to indicate that that sector is already written, to prevent overwriting to the WORM disc. In addition, as discussed in Curtis et al., U.S. Patent No. 5,233,576, when previously written portions of a WORM disc are rewritten to the previous data and the new data existing in the same area results in garbled data that is unintelligible. Curtis et al. in col. 1, lines 38-41. McFerrin et al. merely assures that data is not garbled when written to the disc.

Lastly, the outstanding rejection of independent claim 1 has failed to indicate where the claimed RMD field is disclosed in McFerrin et al. As noted above, McFerrin et al. only discloses a block write start flag, and does not disclose the claimed RMD field of the claimed RMA area, as defined in the present application.

Thus, McFerrin et al. at least does not disclose the claimed "recording medium stores write protection information in the RMD (Recording Management Data) field of RMA (Recording

Management Area) area to protect the data recorded on the recording medium from unwanted overwriting or erasing.”

Lastly, the outstanding Office Action indicates that if it is shown that McFerrin et al. does not disclose all the claimed features of independent claim 1, then independent claim 1 would be rejected as being obvious in view of the prior art set forth in the present application.

However, this rejection under §103 fails to set forth a prima facie obviousness case, as the Office Action has failed to set forth any motivation for such a combination. McFerrin et al. is directed to a specific overwriting protection method for a WORM disc, and there is no motivation set forth in this rejection why one would modify McFerrin et al. to now also include an RMA, with an RMD field including a write protection information, especially since such features would not be in a WORM disc.

The outstanding Office Action also indicates that McFerrin et al. discloses the claimed “wherein the write protection information is stored in physically separate locations at a plurality of times.” However, McFerrin et al. gives no indication that the “block write start flag” is stored in physically separate locations a plurality of times. In McFerrin et al., each block write start flag is specifically related to the sector it is written in. The block write start flag for one sector is not written in another sector in a physically separate location. McFerrin et al. fails to disclose this claimed feature.

Therefore, for at least the above, it is respectfully requested that this rejection of independent claim 1 be withdrawn and independent claim 1 be allowed. In addition, at least for similar rationale, it is respectfully submitted that claims depending from independent claim 1 are also in proper condition for allowance.

Claims 2, 5 and 6 stand rejected under 35 USC §103(a) as being obvious over McFerrin et al., in further view of prior art set forth in the present application.

Regarding claim 2, the outstanding Office Action recites that “the examiner interprets the DVD-RW specification to refer to the version 1.0 and version 1.9 as acknowledged as being prior art in applicants’ disclosure.” The Office Action thereafter does not indicate why it would have been obvious to modify McFerrin et al. to now specifically use a DVD-RW disc, rather than a WORM disc. The two discs would have separate structures, and there is no suggestion or

motivation to indicate that the invention of McFerrin et al. would even be appropriate in a DVD-RW disc.

In setting forth the rationale for this rejection, the Office Action states that it would have been obvious to modify McFerrin et al., as indicated, "to take its vantage of existing disk formats available to those of ordinary skill in the art and therefore save valuable resources in reading inventing limitations that already exist." However, as noted above, McFerrin et al. is specifically directed to a WORM type disc, and its invention is specifically directed to the disc structure of the same. There is no disclosure or suggestion that the invention of McFerrin et al. would be appropriate in the prior DVD structures, or that the specific claimed features would even be disclosed if the invention of McFerrin et al. was utilized in a DVD type disc.

Similarly, in rejecting claim 5, the Office Action merely indicates that the prior art illustrated in FIG. 3, of the present application, discloses the claimed feature of claim 5, without indicating why it would have been obvious to modify McFerrin et al. to specifically include the claimed features. In addition, FIG. 3 of the present invention illustrates a data structure of a defect management area (DMA) of a DVD-RAM disc, and therefore does not disclose the claimed recording information area including the RMD fields, wherein the RMD fields store information indicative of pre-use certification and defect management in use. The structure of DVD-RAM discs includes DMAs rather than RMAs and RMDs, which are utilized in DVD-R and DVD-RW, for example.

Lastly, the Office Action sets forth that McFerrin et al. discloses the claimed "wherein the RMD fields are grouped and the same write protection information is stored in the RMD fields belonging to the same group." The Office Action also recites that "the McFerrin document discloses that the information format of his record comprises a plurality of bands, the fields are grouped with the same write protection information as recited."

It is respectfully submitted that the invention of McFerrin et al. is slightly misunderstood. As noted above, the control record of McFerrin et al. does not appear to be related to the write protection of sector data. Rather, in McFerrin et al., overwrite protection information is stored as a block write start flag stored at the beginning of sector. McFerrin et al. would not appear to disclose that block write start flags would be grouped. Rather, each block write start flag is stored only in its corresponding sector. Thus, McFerrin et al. does not disclose these claimed features.

Therefore, for at least the above, it is respectfully requested that this rejection of claims 2, 5 and 6 be withdrawn and claims 2, 5 and 6 be allowed.

Claim 7 stands rejected under 35 USC §103 as being obvious over McFerrin et al., in view of prior art set forth in the present application. This rejection is respectfully traversed.

As noted above, control record CR of McFerrin et al. would not appear to be related to the overwrite protection, i.e., the "block write start flag." Rather, McFerrin et al. sets forth that the block write start flag is specifically written in appropriate bytes of the first sector to be written during that writing operation. Further, the invention of McFerrin et al. is specifically set forth for a WORM disc, and its specific structure, which would not include the claimed RMD or RMA. Therefore, only the present application sets forth the motivation and suggestion to specifically write the claimed write protection information in the specifically claimed bit positions. Further, although the Office Action indicates that the use of specific byte positions for storing control data may be known, there must still be some motivation for one skilled in the art to specifically store the write protection information "in a byte position BP3 of RMD field 0, and information indicative of types of disc, indicating whether the disc satisfies the DVD-RW specification, is stored in a byte position BP0 and BP1 of the RMD field 0."

Therefore, for at least the above, it is respectfully requested that this rejection of claim 7 be withdrawn.

Claims 1, 3 and 8 stand rejected under 35 USC § 103(a) as being anticipated by Curtis et al., U.S. Patent No. 5,233,576. This rejection is respectfully traversed.

Curtis et al. sets forth a method for making a magneto-optical disc act as a WORM disc, and thereby prevent overwriting of data in the rewritable magneto-optical disc. The invention of Curtis et al. would appear to be extremely similar to the invention of McFerrin et al. In Curtis et al., "[e]ach sector of the new media type contains a storage state bit which defines whether the sector can be written to or is read only." Curtis et al. at col. 4, lines 40-43. Similar to McFerrin et al., "[i]n a second embodiment, the storage state bit is used to indicate whether or not the sector has been written. Once data is written to the sector, the bit is set to indicate that the sector has been written, and the sector may be written again." Curtis et al. at col. 4, lines 50-54.

Thus, similar to the above remarks regarding McFerrin et al., Curtis et al. fails to disclose the claimed storing of write protection information in an RMD field of an RMA area. Curtis et al. discloses a magneto-optical rewriteable disc, but fails to disclose or suggest that such a disc would include an RMD in an RMA area, noting again that such claimed features are clearly defined in the present application. Further, there is no suggestion or motivation to modify Curtis et al. to record the claimed write protection information in the RMD.

In addition, Curtis et al. also fails to disclose or suggest the claimed features of claims 3 and 8, for at least the above rationale, including the aforementioned patentability remarks regarding McFerrin et al.

Therefore, for at least the above, it is respectfully requested that this rejection of independent claim 1 be withdrawn and independent claim 1 be allowed. In addition, for similar rationale, it is respectfully submitted that claims depending from independent claim 1 are also in proper condition for allowance.

Claims 2, 5 and 6 are rejected under 35 USC §103(a) as being obvious over Curtis et al., in view of prior art set forth in the present application. This rejection is respectfully traversed.

As the Office Action has indicated that claims 2, 5 and 6 are rejected for the same reasons as the same claims were rejected under McFerrin et al., as discussed above, it is respectfully submitted that claims 2, 5 and 6 are allowable for at least the same reasons.

In addition, in the outstanding rejection of claims 2, 5 and 6, the Office Action recites: "[i]t would have been obvious to one of ordinary skill in the art to modify the base reference of Curtis et al. with the teaching(s) from acknowledged Prior Art; motivation is to modify a DVD with the write protection feature of Curtis et al. in order to prevent unwanted overwrites/erasures as well as to take advantage of existing formatting in this environment and hence save valuable resources such as time to re-create the acknowledged Prior Art format."

However, with Curtis et al. being the primary reference, modified in view of the prior art of the present application, the required recited motivation must indicate why one of ordinary skilled in the art would modify Curtis et al. to include the DVD format discussed in the present application, not why the DVD format discussed in the present application would be modified to

include the invention of Curtis et al. Therefore, the outstanding rejection of claims 2, 5 and 6 are improper for failing to set forth a prima facie obviousness case.

Claims 1 and 8 stand rejected under 35 USC §103(a) as being obvious over Dang et al., U.S. Patent No. 5,535,188, in view of Sako, U.S. Patent No. 5,694,381. This rejection is respectfully traversed.

The outstanding Office Action sets forth that Dang et al. discloses all the claimed features of independent claim 1, except for a "disclosure designating where this write protect code is found in the record medium." Thereafter, the Office Action indicates that Sako discloses that the protection code of Dang et al. could be stored in a TOC (Table of Contents) of a rewriteable magneto-optical disc.

Dang et al. sets forth a data security method for a rewriteable optical disc. In Dang et al., to protect data written on a disc from being copied, a cyclic-redundancy-code (CRC) is generated of the data stored on the disc and stored on the disc. Upon a later reading of the data stored on the disc, a new CRC is generated of the data on the disc and compared to the CRC previously stored on the disc, and if the two match then the disc has not been copied and can be read. As indicated in the Office Action Dang et al. does not appear to specify where the previously generated CRC is stored on the disc.

The Office Action indicates that the copy protection discussed in Dang et al. discloses the claimed "write protection information...to protect data recorded on the recording medium from unwanted overwriting or erasing."

→ However, the CRC data of Dang et al. does not protect data recorded on the recording medium from "unwanted overwriting or erasing." Rather, in Dang et al., data recorded on the recording medium merely allows a reproduction device to determine whether the currently played back disc is a proper original disc or a copy thereof, since CRC data generated from the copy will not match CRC stored on the copied disc. Under the invention of Dang et al., data on the disc can still be overwritten or erased, only the CRC recorded thereon needs to be updated.

In addition, the Office Action indicates that it would have been obvious to utilize the TOC disclosed in Sako as a place to store the CRC data, and to disclose the claimed storing of write protection information in an RMD field of an RMA, with both the RND field and RMA being

defined in the present application. However, the TOC disclosed in Sako is not the same as the claimed RMD field.

Neither Dang et al. nor Sako discloses or suggests the claimed storing of write protection information in an RMD field of an RMA. In addition, the outstanding Office Action fails to detail why it would have been obvious to modify the combination of Dang et al. and Sako to now store the write protection information in the claimed RMD field of the RMD area. Lastly, there is no disclosure or suggestion in either of Dang et al. or Sako that a modification of the combination of Dang et al. and Sako to be implemented in DVD -RW would likewise lead one of ordinary skill to now specifically store the write protection information in an RMD field, or that such a modification would be appropriate in a DVD-RW environment. Further, Sako sets forth copy protection, which is unrelated to protecting data from unwanted overwriting or erasing, as claimed.

Therefore, for at least the above, it is respectfully requested that this rejection of independent claim 1 be withdrawn and independent claim 1 allowed. In addition, for at least the above, it is respectfully submitted that claims depending from independent claim 1 are also in proper condition for allowance.

Claims 1, 2 and 8 stand rejected under 35 USC § 102(e)/103(a) as being anticipated or obvious over Ludtke et al., U.S. Patent No. 6,141,702. This rejection is respectfully traversed.

The outstanding Office Action sets forth that Ludtke et al. discloses "the ability of having [a] write protect designation/attribute bit," and that "[a]s far as the examiner can interpret from this document these fields, tables, are normally found in the data management area of the disc. If applicants' can convince the examiner that such tables are not found in the data management area of the disk, then the examiner would rely upon the above reference to Sako who teaches such an ability to present a rejection under 103. Motivation to combine would be to take advantage of a centralized data management area on the disk. With respect to claim to since Ludtke et al. disclose the use of such tables/formats for DVDs this limitation is met."

Thus, it appears that the Office Action has indicated that Ludtke et al. discloses all the claimed features, except perhaps, the storing of the claimed write protection information in a data management area of the disc, for which Sako would be used to disclose.

Ludtke et al. discloses a home audio visual network having a disc player. Ludtke et al. specifies data, in table form, that the disc player will accumulate and use when interacting with the rest of the audio visual network, e.g., a table could include the names of movies available in a DVD jukebox, and available to other units in the audio visual network. As another example, Ludtke et al., in col. 10, lines 26-32, recites: "the audio track list contains information describing the contents of the disc as a whole (such as a title), as well as a collection of objects, each of which represents a single audio track. This list contains information that is obtained by reading the contents of the media. The Audio Track List lists_specific_information contains 'global' information about the disc." Ludtke et al. does indicate that it could be determined whether a particular disc is recordable. The "write_protected bit tells whether this recordable disc is protected by a write protect mechanism. This bit is defined only when the recordable disc is 1. When the recordable bit is 0, then this bit shall be set to 0." See Ludtke et al. at col. 1, lines 21-28. Herein, again, in this cited portion of Ludtke et al., the referenced bit indicators are referencing a table created by the disc player.

Thus, Ludtke et al. does not disclose anything more than a disc player, recordable CDs, a DVD, and that a recordable CD could be write protected. Further, Ludtke et al. does not disclose anything about the structure of the discs or where, or if, write protection information would be stored in the recordable CD.

As noted above, the Office Action states that Sako could be combined with Ludtke et al. to disclose storing write protection information in a data management area of a disc "to take advantage of a centralized" data management area of the disc. Sako sets forth storing copy protection information in a TOC (Table of Contents) area of a CD-ROM. It is respectfully submitted that there is no disclosure or suggestion in either Ludtke et al. or Sako that would lead one skilled in the art to modify Ludtke et al. to now record copy protection information in a TOC of a CD disc. Ludtke et al. is totally unrelated to recording information on discs, not to mention that Ludtke et al. fails to set forth any information relating to a structure of a disc. In addition, independent claim 1 specifically requires the write protection information be stored in an RMD field of an RMA. Further, Sako sets forth copy protection, which is unrelated to protecting data from unwanted overwriting or erasing, as claimed.

Regarding claim 2 and 8, and as noted above, Ludtke et al. fails to disclose the claimed DVD-RW disc, as only a DVD disc is disclosed, and fails to disclose anything related to the stored byte positions of write protection information, stored on the disc.

Therefore, for at least the above, it is respectfully requested that this rejection of independent claim 1 be withdrawn and independent claim 1 allowed. In addition, for at least the above, it is respectfully submitted that claims depending from independent claim 1 are also in proper condition for allowance.

Claims 3, 5, 6 and 7 stand rejected under 35 USC § 103(a) as obvious over Ludtke et al., in view of prior art set forth in the present application. This rejection is respectfully traversed.

It appears that claims 3, 5, 6 and 7 may also be rejected as being obvious over a combination of Ludtke et al. and Sako, though the Office Action mistakenly recites that these claims are rejected solely under the prior art set forth in the present application, while also referencing the rejection to independent claim 1, which was rejected under either Ludtke et al. or a combination of Ludtke et al. and Sako. Based on applicants' understanding of this rejection, this rejection will be interpreted to encompass a combination of Ludtke et al., Sako, and disclosed prior art, based on the rejection of independent claim 1.

The Office Action indicates that claimed features of claims 3, 5 and 6 are well known, as being set forth in the present application as part of a DVD specification. However, only the present application provides motivation to store the claimed write protection information in the claimed RMD of the RMA. Further, although previous DVD specifications may exist, only the present application specifically utilizes the same to store write protection information in particular placed regions in the disc, and only the present application provides motivation for the same.

Lastly, the Office Action indicates that Ludtke et al. discloses the features of claim 7, including the claimed specifically storing of write protection information in particular byte positions of an RMD field, as well as storing particular information in two other particular byte positions. However, as noted above, Ludtke et al. fails to disclose this claimed feature.

Therefore, for at least the above, it is respectfully requested that this rejection of claims 3, 5, 6 and 7 be withdrawn and claims 3, 5, 6 and 7 be allowed.

Claims 1 and 8 stand rejected under 35 USC § 102(e) as being anticipated by Ozaki et al., U.S. Patent No. 6,289,423. This rejection is respectfully traversed.

The Office Action recites that Ozaki et al. discloses all the claimed features of independent claim 1. Specifically, the Office Action recites: "applicants' attention is drawn to the attribute information disclosed in this document which refers to the ability of not providing for an overwrite to those designated areas, see for instance col. 6, lines 6-11. The Examiner interprets that these attributes are found in the program management/table of contents area normally found in this environment. Applicants' attention is also drawn to figures 10-13 and their associated disclosure."

Ozaki et al. sets forth a method of write protecting a disc when copying from a master disc. In Ozaki et al., it is noted that each disc includes an identifier indicating the type of disc, i.e., DVD-RAM or DVD-ROM. If a disc identifies itself as a DVD-ROM, then the information thereon cannot be overwritten, whereas if the disc identifies itself as a DVD-RAM, then the information thereon can be overwritten and replaced. Ozaki et al. discloses that the information relating to the type of disc can be changed upon the copying of data, i.e., even though the disc indicates that it is a DVD-RAM, the identifier can be changed to indicate that the disc is a DVD-ROM. When recording to a DVD, a recorder will look at the disc type identifier, and if the identifier indicates that the disc is read-only type disc, then copy operations will be ceased. Thus, Ozaki et al. sets forth tricking a recorder to think that a disc, or a portion thereof, is a read-only disc, while the disc may actually be fully rewritable.

Ozaki et al. indicates that the typical disc type identifier is stored in a portion of a DSS (Disc Definition Structure), which is in a DMA (Defect Management Area). Thus, Ozaki et al. does not teach adding additional information to the DSS, but rather changing information already present to misrepresent the type of disc.

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First, it is noted that independent claim 1 specifically details that the write protection information is set forth in a Recording Management Data (RMD) field of a Recording Management Area (RMA). Ozaki et al. sets forth altering the DSS of a DMA, which are not the same as the RMD and RMA. See the present application disclosure detailing both.

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Second, Ozaki et al. is not storing write protection information. Rather, Ozaki et al. is merely changing the disc identification to mislead a disc recorder to think the disc is a DVD-ROM disc. Ozaki et al. does not disclose or teach adding an additional identifier to the disc to indicate that a disc or portion thereof is "write protected." The present application, as well as the presently claimed invention, set forth adding write protection information to an area of the disc

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that did not previously include such information. For example, the present application indicates that the claimed write protection information is stored in a reserved byte position.

Further, upon a review of a copied disc, using the invention of Ozaki et al., one would not be able to discern that a disc or portion thereof was write protected. Rather, a recorder would merely note that the disc is not a type of disc that can be recorded onto.

Therefore, for at least the above, it is respectfully requested that this rejection of independent claim 1 be withdrawn and independent claim 1 allowed. In addition, for at least similar rationale, it is respectfully submitted that claims depending from independent claim 1 are also in proper condition for allowance.

Claims 2, 3, 5 and 6 stand rejected under 35 USC § 103(a) as being anticipated by Ozaki et al., in view of prior art set forth in the present application. This rejection is respectfully traversed.

The Office Action indicates that claimed features of claims 2, 3, 5 and 6 are well known, as being set forth in the present application as part of a DVD specification. However, only the present application provides motivation to store to claimed write protection information in the claimed RMD of the RMA. Further, although previous DVD specifications may exist, only the present application specifically utilizes the same to store write protection information in particular placed regions in the disc, and only the present application provides motivation for the same.

Therefore, for at least the above, it is respectfully requested that this rejection of claims 2, 3, 5 and 6 be withdraw and claims 2, 3, 5 and 6 be allowed.

Claim 7 stands rejected under 35 USC § 103(a) as being anticipated by Ozaki et al., in view of Ludtke et al. or McFerrin et al. This rejection is respectfully traversed.

The Office Action indicates that either Ludtke et al. or McFerrin et al. would disclose the claimed particular byte position for storing the write protection information. However, as noted above, Ludtke et al. does not disclose particular byte positions in a disc, but rather particular byte positions in a table stored by a disc player. In addition, in the previous rejection of claim 7 above, the Office Action indicated that McFerrin et al. failed to disclose this claimed feature.

McFerrin et al. sets forth that a block write start flag is specifically written in appropriate bytes of a first sector to be written during a writing operation. Further, the invention of McFerrin et al. is specifically set forth for a WORM disc, and its specific structure, which would not include the claimed RMD or RMA. Therefore, only the present application sets forth the motivation and suggestion to specifically write the claimed write protection information in the specifically claimed bit positions. Further, although the Office Action indicates that the use of specific byte positions for storing control data may be known, there must still be some motivation for one skilled in the art to specifically store the write protection information "in a byte position BP3 of RMD field 0, and information indicative of types of disc, indicating whether the disc satisfies the DVD-RW specification, is stored in a byte position BP0 and BP1 of the RMD field 0."

Lastly, it is noted that the Office Action has indicated that the present application's choice of particular byte positions for recording the claimed write protection information "is considered merely a design expediency and obvious to one of ordinary skill in the art. The selection of one byte position over another is considered a selection of equivalents and hence obvious especially since no unexpected results are seen to occur from such a selection." Applicants respectfully disagree. Ozaki et al. is a perfect example why it would not have been obvious to select the presently claimed byte positions. In Ozaki et al., rather than adding an additional identifier, an existing identifier was changed. Further, the Office Action indicates that "no unexpected results are seen to occur from such a selection." However, without direction from the present application, one skilled in the art would have no need or suggestion to store the claimed write protection information in the claimed byte position.

Therefore, for at least the above, it is respectfully requested that this rejection of claim 7 be withdrawn and claim 7 be allowed.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No.: 10/020,980

Docket No.: 1293.1071D3(STB)

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

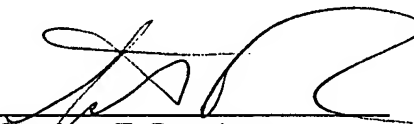
Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8(a)

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on June 19, 2002
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By: Stephen T. Boughner
Date: June 19, 2002

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please AMEND claims 1, 2, 4, 5 and 7 as follows:

1. (Once Amended) A recordable and/or rewritable recording medium to record data comprising:

- a Lead-in area;
- a Lead-out area; and
- a user data area;

wherein the recording medium [is a disc, said recording medium] stores write protection information in [the] an RMD (Recording Management Data) field of an RMA (Recording management Area) area to protect the data recorded on the recording medium from unwanted overwriting or erasing.

2. (ONCE AMENDED) The recording medium of claim 1, wherein the [disc] recording medium satisfies a DVD-RW (digital Versatile Disc Rewritable) specification.

4. (ONCE AMENDED) The recording medium of claim 3, wherein when the writing protection information read from one of the plurality of physically separate locations matches the writing protection information read from another one of the physically separate locations, the [disc is] the recording medium is indicated as being set to a write protection state.

5. (ONCE AMENDED) The recording medium of claim 1, wherein the [disc] recording medium comprises a recording information area, distinct from the Lead-in area, the Lead-out area and the user data [rea] area, and including RMD fields, wherein the RMD fields store information indicative of pre-use certification and defect management in use.

7. (ONCE AMENDED) The recording medium of claim 1, wherein the write protection information is stored in a byte position BP3 of RMD field 0, and information indicative of types of [disc] recording medium, indicating whether the [disc] recording medium satisfies the DVD-RW specification, is stored in byte positions BP0 and BP1 of the RMD field 0.